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Securing the High Seas



*America's
Global Maritime
Constabulatory
Power*

Edited by Mackenzie M. Eaglen, James Dolbow, Martin Edwin Andersen, and James Jay Carafano, Ph.D.



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INTRODUCTION

This is the third in a series of reports on maritime security prepared by The Heritage Foundation’s Maritime Security Working Group. This report addresses how to provide operational recommendations to the group’s previous proposals while making the case that the United States, with its regional allies, must develop the capacity to exercise “global maritime constabulary power.”

Specifically, this report:

- **Defines** global maritime constabulary power;
- **Identifies** the roles and missions that are related to global maritime constabulary power;
- **Describes** the role of friendly and allied nations;
- **Suggests** how the private sector can and should contribute;
- **Recommends** a division of responsibilities for maritime constabulary duties between the U.S. Navy and U.S. Coast Guard; and
- **Identifies** the budgetary, regulatory, and legislative implications of the recommendations.

The Heritage Foundation’s Maritime Security Working Group was tasked to produce cutting-edge policy recommendations for making the seas safer for the United States, its friends and allies, and global commerce. In its previous two reports, the group—composed of representatives from academia, the private sector, research institutions, and government—addressed some of the most pressing issues confronting maritime security.

In 2005, in its first report, “Making the Sea Safer: A National Agenda for Maritime Security and Counterterrorism,”¹ the group outlined the future threats to and gaps in U.S. maritime security. Rather than focus on episodic, short-term issues like inspecting containers, the group offered a broader and more thoughtful assessment of the maritime challenges facing the United States, including:

- **Dependence on maritime trade.** Maritime commerce will be an increasingly important component of the global economy. Modern maritime commerce is generally defined by large, containerized shipping moving through megaports, which form the backbone of just-in-time international trade.
- **The economic impact of security in the developing world.** Developing countries may find it increasingly difficult to meet the demands of international security regimes for trade and travel. If this occurs, these relatively weaker economies may become less competitive in global markets.
- **Undersea infrastructure.** Undersea critical infrastructure, such as oil and gas pumping stations and telecommunications cables, are fast becoming an increasingly important part of the global economy.
- **The potential for standoff attacks from sea.** State and non-state actors will be capable of attacking the U.S. from their own territorial waters using unmanned aerial vehicles (UAVs), short-range ballistic missiles, and cruise missiles, possibly armed with weapons of mass destruction (WMD). The group also recognized that terrorists could use small boats packed with explosives, as was done in the attack on the USS Cole, and employ floating improvised explosive devices (IEDs) or naval mines against commercial shipping in U.S. waters and overseas ports.
- **The lack of visibility in noncommercial maritime activity.** Currently, the United States lacks sufficient means to monitor maritime activity. Terrorists could exploit this failing in many ways, such as by

1. James Jay Carafano and Alane Kochems, eds., “Making the Sea Safer: A National Agenda for Maritime Security and Counterterrorism,” Heritage Foundation Special Report No. 3, February 17, 2005, at www.heritage.org/Research/HomelandDefense/upload/74871_4.pdf.

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using naval mines and other means to launch underwater attacks and using private craft to smuggle small payloads into the U.S. outside of ports and to attack targets in U.S. waters.

- **Maritime criminal activity.** Piracy, human trafficking, and drug and arms smuggling will continue. Terrorists could mimic or partner with criminal enterprises.
- **Internal threats from rogue actors and landside attacks.** The greatest vulnerability to maritime infrastructure may be internal threats. These include disgruntled employees who have an intimate knowledge of operations and facilities with access to transportation and port assets.
- **The maritime domain as a target and facilitator of threats against the environment.** Opportunities for the spread of infectious disease and other environmental threats carried by seaborne traffic will increase as maritime commerce increases.
- **Anti-access strategies.** An enemy might attack vulnerable targets on U.S. territory as a means to coerce, deter, or defeat the United States.

Overall, the report argued for a comprehensive, strategic approach to making the seas safer, rejecting simplistic security proposals that focus on inspecting containers and handing out federal port security grants.

In 2006, the working group's second report, "Trade Security at Sea: Setting National Priorities for Safeguarding America's Economic Lifeline,"² made the case that, based on the nature of existing and emerging threats, the United States' highest priority in maritime security should be ensuring the resiliency of global maritime commerce, thereby ensuring unimpeded trade and travel, regardless of what terrorists might attempt in the maritime environment. In order to protect maritime trade, the working group focused on three essential enablers:

- **Expanding** the capabilities of the U.S. Coast Guard by fully funding Coast Guard modernization and ensuring that the service has the resources to perform all of its missions,
- **Improving** the sharing and use of commercial information, and
- **Enhancing** international cooperation.

This report looks in greater detail at providing the enforcement tools for making the seas safer. The principal recommendations include:

- **Doubling** the U.S. Coast Guard's active and reserve end strength over the next decade and accelerating Coast Guard modernization;
- **Expanding** the Navy's stated goal of 313 ships by an additional 37 ships (the preponderance of which should be nuclear powered, including additional nuclear-powered submarines) and focusing Navy operations more on sea control and assured access and less on maritime engagement and security missions; and
- **Establishing** a Common Maritime Security Fleet Fund to bolster modernization.

2. James Jay Carafano and Martin Edwin Andersen, "Trade Security at Sea: Setting National Priorities for Safeguarding America's Economic Lifeline," Heritage Foundation Backgrounder No. 1930, April 27, 2007, at www.heritage.org/Research/HomelandSecurity/bg1930.cfm.

PART I

Maritime Constabulary Roles and Missions

“Global constabulary maritime power” refers to the use of law enforcement and military capabilities to maintain law and order at sea, enforce compliance with domestic laws and applicable treaties, and protect national interests. This power includes a range of safety, security, and environmental protection activities conducted in inland waterways and littoral areas and on the high seas.

An effective maritime regime that delineates constabulary roles and missions must use all, not just some, of the instruments of national power: diplomatic, informational, military, economic, financial, intelligence, and law enforcement. It must also include dialogue and acting in concert with key stakeholders, such as:

- Friendly and allied nations, to promote common interests;
- Private-sector representatives and stakeholders, to protect and facilitate legitimate commerce and other economic activities; and
- Individuals, international organizations, and nongovernmental organizations concerned about freedom of navigation.

“Constabulary” refers to hybrid roles and missions that involve both military prowess, such as lethal fire against “go-fasts” in drug transit zones, and law enforcement authorities, such as interdicting illegal migrant and protecting fisheries. “Maritime” is used rather than “naval” because it encompasses the world’s more than 1,900 ports, as well as the overwhelming majority of the world’s “brown water” navies and coast guards, which are tasked with defending national sovereignty rather than projecting power, which is a primary mission of the U.S. Navy and its carrier strike groups.

A National Imperative. The Maritime Security Working Group focused on protecting the use of the seas because anything less would ignore the wisdom of Sir Walter Raleigh, who sagely remarked several centuries ago that “Whosoever commands the sea commands the trade; whosoever commands the trade of the world commands the riches of the world, and consequently the world itself.”³ In this era of international terrorists, narcotics traffickers, and sophisticated transnational criminals, either the world’s navies and coast guards will command the high seas or non-state actors will exploit the power vacuum for unlawful purposes.

Maritime trade is the lifeline of the \$13 trillion U.S. economy. Almost one-third of the U.S. gross domestic product (GDP) is derived from trade, and approximately 95 percent of imports are transported by sea. According to the American Association of Port Authorities, U.S. ports:

- Move 99 percent of the nation’s overseas cargo,
- Handle more than 2.5 billion tons of trade annually, and
- Move \$5.5 billion worth of goods in and out every day.

Moreover, many major U.S. urban centers, which account for more than half of the U.S. population and significant critical infrastructure, are close to ports or accessible by waterways. Barring substantial and unanticipated reductions in the global economy, the role of maritime commerce will continue to grow substantially in the future. Factors that support this include a greater role for containerized shipping, the continued emergence of megaports as hubs for transshipment and delivery of commercial goods, and increased seaborne shipment of energy products.

3. Sir Walter Raleigh, in Suzy Platt, ed., *Respectfully Quoted: A Dictionary of Quotations* (Washington, D.C.: Library of Congress, 1989), at www.bartleby.com/73/2044.html (February 5, 2007).

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The global economic system, with its myriad geographic and strategic vulnerabilities, can no longer rely solely on naval power. Instead, law enforcement must expand the jurisdiction and instruments of constabulary maritime force projection. There are more than 100 maritime shipping choke points around the world—points where geographic features make shipping lanes extremely vulnerable to closure or control. These provide a multitude of opportunities for rogue regimes and non-state actors to wage economic warfare by closing down strategic choke points. The exigencies of just-in-time delivery make the steady flow of cargo increasingly important to industry, commerce, and national interests.

Maritime security also protects national defense interests for the United States and its allies. According to the Pentagon's U.S. Transportation Command, 95 percent of U.S. military forces and supplies that are sent overseas, including those for Operations Iraqi Freedom and Enduring Freedom, pass through U.S. ports. With many of the U.S. Air Force's transport planes reaching retirement age and not being replaced on a one-for-one basis, the U.S. military will increasingly need to use seaborne transport to deploy significant assets from the continental United States.

Today, coastal zones are becoming immediate security concerns. Four-fifths of the world's countries have littoral borders, and 80 percent of the world's capitals and 125 cities with populations greater than 1 million are within 291 miles of a coastline. An estimated 50 percent of the world's population lives within 48 miles of the shore, and that number is expected to reach 75 percent by 2030.

An Evolving Concept. The doctrinal challenge for U.S. Coast Guard–U.S. Navy teamwork is to reverse decades of a superior–subordinate relationship between them and to develop a mutually cooperative structure. In previous conventional wars, the Coast Guard operated under Navy command and control. However, for homeland security and global maritime constabulary missions, the Navy augments the Coast Guard. Thus, U.S. Navy platforms and crews under Coast Guard direction would operate under authorities not typically utilized. This arrangement must be structured under the principle of a lead federal agency. Under such a structure, responsibilities are determined in a given circumstance by authority and capability.

In reformulating Coast Guard–Navy relations, employing other armed services (Army, Air Force, and Marines) and federal law enforcement agencies (e.g., the FBI) should also be considered. For example, all maritime infrastructure—from ships at sea to ports—depends on space (for GPS and geospatial data) and cyberspace (for transiting manifest data) assets. Thus, the Air Force's roles in combating cyber threats and ensuring access to space have important implications for global maritime constabulary power.⁴

Other friendly military forces, as well as private-sector and government entities, sometimes have critical roles to play in securing and safeguarding the seas and waterways, maintaining them as a highway for global prosperity, and ensuring good stewardship of natural resources.

To fulfill all of the responsibilities of a constabulary maritime power, the military and law enforcement services that must be performed include a wide range of activities.

Maritime Domain Awareness. Maritime domain awareness is the capacity to integrate sea, land, and airborne command and control assets relating to the blue- and brown-water environments. U.S. maritime borders are extended through a four-zone layered defense: port, coastal route, transoceanic, and source of departure. This awareness identifies threatening, illicit, and invasive activities so that the right assets receive the right information and are directed to the right place at the right time to deliver the right response.

Counterterrorism. Global constabulary power must contribute to countering a range of threats from WMD to floating IEDs released in the waterways of the nation's busiest ports to vehicle-borne IEDs driven into a port. Most important, maritime constabulary forces must contribute to attacking all the elements of a terrorist threat: recruiting, organizing, commanding, training, supporting, surveillance, rehearsals, and other preparatory acts. Thwarting terrorist organizations and plots is a far better operational concept than fixating on countering every possible mode of attack.

4. Mackenzie M. Eaglen, "The Air Force's Cyber Command: Combating Electronic and Network Threats," Heritage Foundation WebMemo No. 1629, September 20, 2007, at www.heritage.org/Research/NationalSecurity/wm1629.cfm, and Baker Spring, "How Congress Should Interpret the New Space Policy Directive to Provide for National Security," Heritage Foundation Backgrounder No. 1998, January 19, 2007, at www.heritage.org/Research/Space/bg1998.cfm.

Counterproliferation. Maritime constabulary power must contribute to interdicting the spread of WMD. The Proliferation Security Initiative—a global multilateral effort to interdict materials, technologies, and weapons related to nuclear, chemical, and biological threats—is an example of the kinds of missions that global maritime constabulary power will be called on to support.

Protection of Natural Resources, Maritime Presence, and National Sovereignty. Resources in need of protection include fisheries, minerals, and sea-bottom infrastructures. The current debate over the Northwest Passage has highlighted the much-neglected missions of physical presence and the establishment of national sovereignty at sea. Scientists project that, in the future, Arctic waters will be navigable year-round. The United States has been an Arctic nation with important interests in the region since it purchased Alaska from Russia in 1867. The U.S. fleet must be able to operate in Arctic waters while safeguarding American sovereignty and maintaining friendly relations with other Arctic nations.

Enforcing Sanctions and Embargoes. Sanctions need to be enforced against an array of rogue regimes and non-state actors intent on violating them. Moreover, many high-interest vessels ply the world's waterways. These ships will need to be boarded, and Coast Guard crew members performing these missions need the requisite maritime law enforcement training.

Migrant and Invasive Species Interdiction. Global migration is an enduring feature of the 21st century. Combating human trafficking and illegal migration will be a necessity. Interdicting illegal migrants that use the same maritime routes used by drug runners and terrorists on the high seas will be a core mission of any global constabulary force. For example, former Cuban President Fidel Castro's tactic of sending thousands of Cubans to U.S. shores was a form of asymmetric warfare that could be replicated by other rogue regimes. In addition to safeguarding the flow of people, constabulary forces should assist in interdicting environmental threats, including harmful plants, animals, insects, and diseases that could be maliciously or accidentally brought to U.S. shores.

Protection of Shipping and Maritime Transportation and Industrial Infrastructure. Global constabulary maritime forces must be capable of supporting port security planning and exercises, anti-piracy missions, and other aspects of maritime crime reduction and elimination.

First Response. Like land-based law enforcement, maritime forces must be prepared to render service in the event of a disaster or other emergency. This includes:

- Providing search and rescue;
- Saving lives and property in distress in a post-disaster response;
- Supporting security, salvage, and reconstitution of ports, waterways, and infrastructure;
- Responding to oil, chemical, and hazardous material spills; and
- Providing integrated command of and support to other agencies.⁵

Hostage Rescue and Evacuation of Noncombatants. Constabulary forces should have the capability to rescue U.S. citizens in *extremis*, including recovering persons taken hostage by criminals or terrorists and assisting citizens in emergency evacuations.

International Security Cooperation. Constabulary forces are responsible for directly training and liaising with foreign maritime governmental organizations and entities.

5. Press release, "Coast Guard Commandant Thomas H. Collins Testifies on Response to Catastrophic Events," U.S. Coast Guard, November 9, 2005, at www.piersystem.com/go/doc/786/88071 (January 17, 2008).

PART II

Global Partnerships for Constabulary Operations

There are imperatives that make it essential for every nation to cooperate in providing a secure maritime environment for unencumbered commerce (including fishing, communication, and maritime transport) and to limit the impact of pollution. These imperatives suggest that the constabulary requirement of policemen at sea can best be pursued through global norms and partnership arrangements. Such partnerships should include working with both the public and private sector.

Contemporary international law allows all nations to use the high seas for lawful purposes without interference from other states. This highly developed set of universal practices is based on the principle that these waters are open to all states and that none can assert sovereignty over any part of them. As one expert has observed:

The importance of customary rules to U.S. forces cannot be overstated. The legal regime of the high seas forms the legal foundation for the global mobility of U.S. forces and is, for this reason, of paramount importance to U.S. national security. The most important principle of the law of the sea is the principle of freedom of passage over the high seas, a principle that “applies in time of war or armed conflicts as well as time of peace.”⁶

Existing practices and precedents provide a thoroughly adequate foundation for international cooperation. Therefore, a global constabulary capability can be built on customary practices. Regionally focused partnerships and strong bilateral relationships—not a global “constabulary” regime—would be the most likely and productive path toward sharing burdens and benefits.

A Model for International Cooperation. Successful global constabulary operations will require the United States to forge effective partnerships with other nations in areas of vital geostrategic interest. The joint activities will need to span the full range of constabulary roles and missions.

The world’s coast guards and maritime police agencies are the best model for regional partnerships because they primarily perform constabulary operations, unlike their navy counterparts that are part of formal military alliances like NATO.

In recent years, the U.S. Navy has framed international maritime cooperation in terms of promoting a “1,000 ship” force, which would include all the naval forces, shipping industry resources, and law enforcement agencies that could potentially partner with the U.S. Navy around the world. Today, the changing nature of the threats suggests that this voluntary transnational network of seaborne forces anticipates a sea change in how the democratic community of nations responds to crises and emergencies at sea. However, the Navy’s proposal is ill suited to building global constabulary power.

The Navy-led framework has come under withering criticism. “The thousand-ship Navy probably will never leave port in Asia,” reported *Defense News* recently. “Differences in strategy, threat perception, financial constraints and territorial disputes—particularly over the Strait of Malacca and the Spratly Islands—make the concept unfeasible, analysts in the region say.”⁷

6. Andrew S. Williams, “The Interception of Civil Aircraft over the High Seas in the Global War on Terror,” *The Air Force Law Review*, Vol. 59 (2007), pp. 73–151.

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As maritime expert Bruce Stubbs has observed, "Haze-gray U.S. Navy warships, with their inherent national orientation, cannot shake off their ominous appearance or disguise their primary purpose as combatants expressly built for offensive military missions such as power projection and forcible-entry missions." In addition:

U.S. Navy warships, designed for high-intensity war against a major opponent, when used for maritime security duties are just too menacing in regions sensitive to sovereign rights and may not always be the most politically acceptable means for duty against maritime criminals and terrorists.⁸

Stubbs pointed to the example set in October 2004, when the Japanese government specifically requested that the U.S. Coast Guard be included in the U.S. contingent for Proliferation Security Initiative exercises held off the coast of Tokyo.

The United States needs to eschew the notion of building global constabulary power around its U.S. naval forces as it did during the Cold War. Instead, it should seek alternative models.

The North Pacific Coast Guard Forum offers perhaps the best model for future cooperative regimes. Initiated by the Japanese Coast Guard in 2000, the forum established a cooperative framework fostering multilateral action through the sharing of information on matters related to combined operations, illegal drug trafficking, maritime security, fisheries enforcement, illegal migration, and maritime domain awareness. The current membership includes coast guards and civil maritime agencies from Russia, China, Japan, South Korea, Canada, and the United States.

At the 2007 North Pacific Coast Guard Forum summit, the U.S. Coast Guard Commandant, Admiral Thad Allen, highlighted the forum as a model of international cooperation at sea, announcing that its "success" set the stage for civil maritime agencies of the North Atlantic nations to meet in Sweden in October 2007 to inaugurate the North Atlantic Coast Guard Forum.⁹ The North Pacific forum has conducted effective at-sea combined operations in fisheries enforcement with the participation of vessels from United States, China, Russia, and Japan and has held robust professional exchanges on law enforcement and search and rescue.¹⁰

Building on the accomplishments of the North Pacific forum, in 2007, the Coast Guard participated in the inaugural meeting of the North Atlantic Coast Guard Forum. This newly formed organization is designed to enhance cooperation, share information and best practices, and spur maritime security discussion among North American and European nations that have maritime boundaries north of 50 degrees latitude. Members include the United States, Canada, Iceland, Ireland, the United Kingdom, France, Belgium, the Netherlands, Germany, Poland, Denmark, Norway, Sweden, Finland, Estonia, Latvia, Lithuania, and Russia.

Heads of the respective countries' maritime services are scheduled to attend annual plenary sessions, but working groups of subject-matter experts, normally one from each country, will conduct much of the work. These consultations cover the range of issues comprising maritime constabulary operations, including maritime security, illegal drug trafficking, illegal migration, fisheries enforcement, environmental response, and search and rescue.

Capacity Building. The United States has a vital role to play in building and fostering global constabulary maritime capabilities. Part of the challenge involves better understanding the cultures of our allies and friends, since their maritime security agencies may not reflect current and evolving U.S. ideas and practices. Measures that build trust and confidence are precursors to more substantive capacity-building efforts in the future. Specifically, the U.S. should:

- **Increase** the number of country visits by U.S. ships and cutters for training and exchanges.
- **Bring** more foreign liaison officers to the United States to serve at U.S. Coast Guard headquarters, the Pentagon, war colleges, and combatant commands.

7. Wendell Minnick, "U.S.-Led Proposal Won't Work for Most of Asia," *Defense News*, January 6, 2007.

8. *Ibid.*

9. Press release, "Statement of Adm. Thad W. Allen, Commandant of the U.S. Coast Guard, Regarding His Participation in the 8th North Pacific Coast Guard Forum Summit in St. Petersburg, Russia," U.S. Coast Guard, September 7, 2007, at www.piersystem.com/go/doc/786/171286 (January 17, 2008).

10. Patrick Markowitz, "A Model for International Cooperation at Sea: The North Pacific Coast Guard Forum," U.S. Coast Guard, September 12, 2006, at www.jhuapl.edu/cfgms/presentations/NPCGF_IMSS.pdf (January 18, 2008).

- **Create** a professional development reading list for global maritime security modeled after the U.S. Navy's professional development reading program.
- **Increase** attendance of foreign naval and coast guard officers at the U.S. Naval War College, the U.S. National War College, the Joint Forces Staff College, and the Coast Guard's Training Center. As appropriate, U.S. Coast Guard officers should study and teach in other nations' maritime academies.
- **Bolster** regional forums to examine and build support for international maritime organization regulations and standards for commercial shipping to enhance the environment for "maintaining the peace" at sea.

Key Enablers of Cooperation. After establishing the framework for cooperation, efforts to build constabulary power should focus on the key enablers required for international cooperation. The two most vital enablers are (1) enhancing information sharing and (2) developing shared doctrine.

Maritime Domain Awareness. Efforts to produce a common operating picture that allows for greater interoperability and improved situational awareness will hinge on better cooperation in command, control, communications, computer, intelligence, surveillance, and reconnaissance (C4ISR) to meet not only the needs of operational decision makers, but also the needs of tactical commanders engaged in operations at sea, on land, and in the air. Interoperability reaps large dividends in search and rescue, law enforcement, port security, interdiction of illegal migrants, and drug seizure missions.

Maritime Constabulary Doctrine. The needed maritime capabilities dictate fostering forces with a constabulary doctrine, as opposed to forces with a focus on warfighting that relegates law enforcement to a secondary role. Creating a global maritime constabulary power will require harmonizing national maritime doctrines (fundamental principles that guide the employment of forces of two or more nations in coordinated action toward a common objective). This doctrine must account for the activities of naval forces as well as other government agencies.¹¹ Doctrinal innovation is necessary because the vital center of maritime missions is shifting from applying power in the strictly military sense of defending U.S. national interests (e.g., force protection and littoral and coastal operations) to maritime intercept activities; theater security cooperation; homeland defense; environmental response operations; and port operations, security, and defense.

Focus for Constabulary Cooperation. The United States needs to prioritize its constabulary cooperation and capacity-building efforts according to the most significant geostrategic challenges. Regional engagement should concentrate on West Africa, the Horn of Africa, the Caribbean, East Asia, and the Black Sea.

West Africa. The priorities for the littoral nations of this region include maintaining better control of their coastlines and nearby waters that are used for narcotics smuggling, human trafficking, and piracy.

In 2005, the United States imported more oil from Africa than from the Middle East. West African nations generated almost 15 percent of Africa's total oil production, but the region—"plagued by extreme poverty, and corrupt governments—has become a friendly habitat for radical al-Qaeda-like organizations."¹² The mixture of domestic instability, national and transnational crime, environmental degradation, and disputed maritime boundaries reduces the potential for trade as the U.S. attempts to shift its dependence on oil from the Persian Gulf.¹³

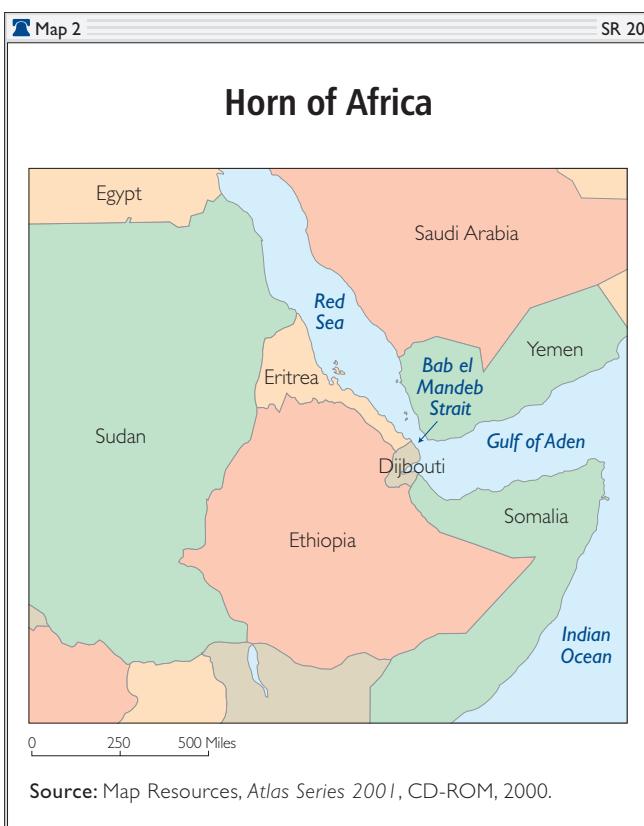
To advance U.S. interests in the region, the U.S. military has engaged in missions to "initiate a series of security cooperation activities that have helped to promote regional stability and counter terrorism" and that have the added benefit of establishing positive relations with regional partners.¹⁴ In 2006, the U.S. Navy conducted missions to

11. James J. Tritten, "Implications for Multinational Naval Doctrine," in Sam J. Tangredi, ed., *Globalization and Maritime Power* (Washington, D.C.: Institute for National Strategic Studies and National Defense University, 2002).
12. Sandra I. Erwin, "Navy Deeds in West Africa Aim to Curb Terrorism, Secure Access to Oil," *National Defense*, August 2006, at www.nationaldefensemagazine.org/Issues/2006/August/NavyDeedsWest.htm (January 17, 2008).
13. Raymond Gilpin, "Enhancing Maritime Security in the Gulf of Guinea," *Strategic Insights*, Vol. 6, No. 1 (January 2007), at www.ccc.nps.navy.mil/si/2007/Jan/gilpinJan07.asp (January 17, 2008).
14. Press release, "USS Emory S. Land Completes Deployment to Gulf of Guinea," U.S. European Command, May 1, 2006, at www.eucom.mil/english/FullStory.asp?art=921 (January 17, 2008).

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assist regional leaders in building up their capabilities and "sharpen[ing] their training in coastal security."¹⁵ The Navy also instructed West Africans in maintaining and repairing ships while assessing and improving training methods and management and the disposal of hazardous materials. By empowering the littoral nations of the Gulf of Guinea to control the coastline and nearby waters more effectively, the U.S. may also reduce a portion of the illegal trafficking of narcotics and immigrants to the U.S. as well as the fish poaching and piracy that endanger the region's economy.

The Horn of Africa. The Horn of Africa's deficiencies in law enforcement mean weak coastal surveillance. Developing law enforcement maritime capacity in this region is vital.



The Bab el Mandeb Strait off the coast of Djibouti is one of the world's busiest maritime choke points, an obligatory transit point for thousands of ships en route to the Suez Canal and Europe. This region is highly prone to maritime piracy by local militias in the form of hostage ransom demands. The instability of Somalia and neighboring countries allows easy procurement of weapons through underground trade.¹⁶ This environment is also a rich training ground for terrorists.¹⁷

Because the coastal nations of Djibouti and Somalia lack effective law enforcement capabilities, they fail to provide any sort of coastal surveillance or policing. Regional maritime traffic typically uses unsecured radio communications that militias can easily intercept to learn ship schedules and routes.¹⁸

The Caribbean. The Caribbean is a key regional trading partner that could also serve as a possible Trojan horse for terrorist attacks against the United States. Enhancing

15. Erwin, "Navy Deeds in West Africa Aim to Curb Terrorism, Secure Access to Oil."

16. Peter Chalk, "Africa Suffers Wave of Maritime Violence," *Jane's Intelligence Review*, April 1, 2001, reproduced at www.rand.org/commentary/040101JIR.html (January 18, 2008).

17. "Somalia: Washington's New Approach to the SICC," Strategic Forecasting, October 13, 2006, at www.stratfor.com/products/premium/read_article.php?id=277893 (January 18, 2008).

18. Chalk, "Africa Suffers Wave of Maritime Violence."

maritime domain awareness and the capacity to conduct interdiction operations in this region should be a priority.

As the Caribbean economy continues to rebound from the devastating effects of 9/11, American business enterprises are increasingly outsourcing their operations to the region. Meanwhile, the Caribbean's proximity to the United States makes it a potential staging area for terrorist attacks on the U.S., with possible scenarios including the hijacking of an airplane or cruise ship in the Caribbean.¹⁹ The relaxed security measures in the Caribbean may make it easier to obtain false travel documentation for entry into the United States. U.S. interests include improving security while maintaining a constant flow of trade with a region that is the United States' 10th-largest trading partner.

East Asia. Ensuring freedom of navigation in East Asia is vital to promoting stability and economic growth.

East Asia has some of the world's most contentious maritime hot spots, including the Taiwan Strait and the waters surrounding North Korea. Major conflicts in



these areas could have a calamitous impact on U.S. interests. In addition, the waters of East Asia serve as vital highways for commerce and energy. A significant disruption of freedom of the seas could seriously endanger the global economy.

Increasing concerns are evidenced by a December press conference in which Admiral Sureesh Mehta, India's naval commander, commented: "We [in India] are ringed with states which may have a favorable disposition to China.... They are looking ahead and we also need to look ahead."²⁰ Specifically, China seeks access to the Indian Ocean while it assists Pakistan in building its Gwadar port. Furthermore, China has leased bases in the Coco Islands of Burma in order to gain access to the Bay of Bengal.²¹ Proliferation of nuclear weapons and materials is an additional concern in the region.

The Black Sea. The Black Sea is an important and highly vulnerable energy highway. Maintaining freedom of the seas in the littoral waters of this area is an ongoing challenge for NATO and the European Union (EU).

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The Black Sea region is strategically important to the U.S. and its allies for energy transportation, which makes the region highly vulnerable to terrorist exploitation. Bulgaria, Romania, Ukraine, Russia, Georgia, and Turkey border the Black Sea. Three of these countries are NATO members, and two recently joined the EU. Each of these states may serve as staging points for U.S. and allied military operations in Afghanistan and Iraq, as well as future crises in the Middle East.

NATO member Turkey controls access to the Black Sea through the Turkish Straits and cooperates with the NATO-led Operation Active Endeavor. In 2001, Turkey started the BLACKSEAFOR, a regional maritime security initiative and the first operation in which Russia and NATO countries have worked together toward the same objective. The U.S. should consider other options to solidify its presence in the region.²²

The Private-Sector Role. Maritime security authorities are responsible for securing the domain against terrorists and other malicious dangers. Security at sea, however, cannot be accomplished without effective partnerships with the private sector.

The nature of the dangers facing the maritime domain and its growing importance to global trade demand that the private sector take a more active role in maritime security. Engaging private-sector representatives and entities will challenge long-standing customs of the commercial trade sectors and add some new, albeit reasonable, burdens. Additionally, for private-sector operators to contribute value to this joint effort, the U.S. government must clearly articulate how public-private partnerships can be most effective, particularly given the shared interests of security at sea.

Anonymity at sea remains a widely embraced cultural standard with roots reaching back to the earliest private use of the seas and waterways. Today, that anonymity is combined with the commercial sector's inherent interest in protecting proprietary information.

Nevertheless, security at sea involves the protection of assets that are predominantly owned and operated by the private sector. Protecting the globally dispersed and heavily interconnected supply chains that depend on the maritime domain can be done in a number of ways. Success, however, requires imposing the lightest security footprint possible while ensuring the throughput and efficiency demanded by today's global economy.

An effective concept of operations would avoid the "sledgehammer approach." Instead, it would generate greater transparency throughout the vulnerable stages of the maritime-based supply chains while delivering added benefits, such as increased resilience and the reduced impact of system disruptions. This is easier said than done.

Numerous stakeholders—economic operators of all sizes, international governance regimes, the law enforcement community, and foreign trading partners—have interests in maritime security beyond constabulary maritime

19. Anthony T. Bryan and Stephen E. Flynn, "Free Trade, Smart Borders, and Homeland Security: U.S.-Caribbean Cooperation in a New Era of Vulnerability," University of Miami, Dante B. Fascell North-South Center Working Paper No. 8, September 2002, at www.cfr.org/content/publications/attachments/Free_Trade_Flynn.pdf (January 17, 2008).
20. William R. Hawkins, "A New Security Arc in East Asia," *American Economic Alert*, January 15, 2007, at www.americaneconomicalert.org/view_art.asp?Prod_ID=2663 (January 17, 2008).
21. *Ibid.*
22. Orhan Babaoglu, "The Black Sea Basin: A New Axis in Global Maritime Security," Washington Institute for Near East Policy, *Policy Watch* No. 1027, August 24, 2005, at www.washingtoninstitute.org/templateC05.php?CID=2361 (January 17, 2008).



forces. Transparency for the mere sake of targeting is not a sufficient incentive to establish the kind of partnerships needed with the private sector. Greater security, efficiency, and system resilience are the broader, shared objectives at stake in the commercial maritime domain.²³

Historically, the private sector views transparency in the maritime domain as coming at the expense of either the integrity of proprietary information or system efficiency. Overcoming this long-standing conflict requires a new concept of operations that serves the common interests of security, efficiency, and resilience throughout the maritime domain.

That concept should begin with certain existing efforts that are worthy of further investment and application on a larger scale, including the Container Security Initiative and the Customs–Trade Partnership Against Terrorism. The Secure Freight Initiative, run jointly by the Departments of Homeland Security, Energy, and State, seeks to create an information-sharing medium between the public-sector and private-sector stakeholders involved in protecting and using the maritime domain.²⁴

Trade and Security. Crafting the appropriate governance framework is imperative for significantly enhancing both security and trade. While the Container Security Initiative, the Customs–Trade Partnership Against Terrorism, and the Secure Freight Initiative are reasonable efforts, it is not clear that the United States will continue on the path of promoting both security and trade or that it will continue to partner effectively with the private sector.

In 2007, Congress passed additional legislation mandating 100 percent container screening and other unreasonable initiatives that promise to increase the cost of doing business significantly while adding little real security value.²⁵ In particular, Congress is blindly relying on technology as a silver bullet to enhance maritime security.

However, unrealistic requirements and technologies are far less important than crafting the right governance framework that would support this kind of system transparency.²⁶ Congress should repeal ill-considered initiatives such as 100 percent container inspection. In its place, Congress and the Administration should implement only programs that are:

- **Trusted** and represented by the full range of participants, who must be confident that shared information is protected;
- **Limited** in recognition of the enduring fact that participants in the global maritime economy are sovereign;
- **Expert**, with the knowledge needed to serve such a diverse and established stakeholder community;
- **Incremental** through a pragmatic approach that evolves as needs of the stakeholders evolve.
- **Decentralized** due to the nature of today's information economy;
- **Inclusive** in order to incorporate greater participation across the private sector for better information and more consistent adoption of the necessary standards; and
- **Incentive-driven** by delivering increased efficiencies in addition to more informed targeting for the sea services.

23. Scott W. Gould, Daniel B. Prieto, and Jonah J. Czerwinski, “Global Movement Management: Strengthening Commerce, Security, and Resiliency in Today’s Networked World,” IBM Global Services, 2007, at www-935.ibm.com/services/us/gbs/bus/pdfs/global-movement-management-exec-summary.pdf (January 17, 2008).

24. The Container Security Initiative was created to prevent the use of containers as a means of delivering harmful substances. The program identifies and screens high-risk containers and also prescreens containers before they are shipped. The Customs–Trade Partnership Against Terrorism is an initiative that allows government and the private sector to work together in improving international supply chains and U.S. security. The Secure Freight Initiative is an extension of port security initiatives already in place and mainly involves working with foreign ports to screen a greater number of containers.

25. Implementing the 9/11 Commission Recommendations Act of 2007, Public Law 110–53, and James Jay Carafano, Baker Spring, James Sherk, Brian W. Walsh, Lisa Curtis, and Helle C. Dale, “How to Fix the 100 Hours Homeland Security Bill,” Heritage Foundation Backgrounder No. 2003, February 1, 2007, at www.heritage.org/Research/HomelandSecurity/bg2003.cfm.

26. Gould *et al.*, “Global Movement Management.”

PART III

National Fleet Policy

Given the need for global maritime constabulary power, the tasks to perform, and what the partners in the public and private sectors need to do, the U.S. should address the implications for the Navy and the Coast Guard of a National Fleet Policy.

Nearly a decade has passed since former Chief of Naval Operations Admiral Jay Johnson and former Coast Guard Commandant Admiral Jim Loy signed the original National Fleet Policy Statement.²⁷ Progress in implementing the national fleet has been modest at best. For the national fleet to become more than a bumper sticker, much more must be done.

For this reason, interservice cooperation and integration should focus on:

- **Shaping** common doctrine, training, and personnel policies for shared tasks;
- **Leveraging**, where possible, synergies in shipbuilding and acquiring other platforms to provide greater numbers of physical assets; and
- **Creating** a common space for action through C4ISR connectivity and networking.

In particular, as the U.S. Navy and U.S. Coast Guard recapitalize their aging aircraft, ships, and communication systems, they should pursue commonality in acquisition whenever possible.²⁸ Ensuring that the services' ships and boats have as much common hardware and software as possible would increase compatibility and save taxpayers' money.

Modern ships rely heavily on common electronics, sensors, communications, and other systems. Greater opportunities exist today to establish interoperability from the beginning of a craft's operational life. Interoperability built into the system is always preferable to integration developed later as an add-on. The open-architecture approach that is being applied to modernizing the Coast Guard fleet allows for significant borrowing from commercial and government off-the-shelf developments. Since the Navy's ship acquisition program is relying more on both, opportunities for joint acquisition are increasing.

Significant opportunities also exist for cooperation in developing the services' aviation programs, both of which are being modernized. Particular attention should be paid to intelligence, surveillance, and reconnaissance assets, including the P-3 Orion, the P-8A Multi-Mission Maritime Aircraft (the follow-on to the P-3), CASA²⁹ aircraft, and new UAVs. With these platforms, integration should include developing capabilities to collaborate with civil as well as international entities.

The call for extensive cooperation between the services is not unreasonable. In fact, successful examples demonstrate that integrated development is very achievable. The Coast Guard's National Security Cutter and Off-Shore Patrol Cutter programs are using 75 percent of the Navy's open architecture command and decision system, including its:

27. The National Fleet Policy Statement is an agreement between the U.S. Navy and U.S. Coast Guard to work together to protect U.S. national interests.
28. Mackenzie M. Eaglen, "U.S. Navy: Maintaining Maritime Supremacy in the 21st Century," Heritage Foundation *Backgrounder* No. 2005, February 6, 2007, at www.heritage.org/Research/NationalSecurity/bg2005.cfm, and James Jay Carafano and Laura Keith, "Learning Katrina's Lessons: Coast Guard Modernization Is a Must," Heritage Foundation *Backgrounder* No. 1950, July 7, 2006, at www.heritage.org/Research/HomelandSecurity/bg1950.cfm.
29. Construcciones Aeronáuticas, SA.

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- Sensor managers,
- Weapon managers,
- Engagement manager,
- Identification system,
- System track manager,
- Doctrine manager, and
- Weapon doctrine review.

In addition, the hulls, machinery, and electrical systems and equipment are common across all three classes of new Coast Guard ships (National Security Cutter, Off-Shore Patrol Cutter, and Fast Response Cutter) and many Navy ships currently in design or construction. This high level of commonality includes:

- Propulsion systems,
- A weapons package (Navy Type/Navy Owned systems) and the 57 mm gun,
- Increased habitability,
- Military standard hull and electrical systems and equipment,
- The “test and trials” approach,
- Future expansion with mission modules, and
- Commonality of systems and equipment among ship classes.

Additionally, the Maritime Patrol Aircraft command and control system employs more than 50 percent of the functionality of the Navy's P-3 Orion Anti-Surface Warfare Improvement Program, including:

- Electronic support measures;
- An electro-optical, infrared system;
- Radar;
- Navigation system; and
- A tactics and tracking system.

Common Space. Without question, the core of the national fleet effort must develop as much common C4ISR space as possible. As the Chief of Naval Operations noted:

Technology offers us the opportunity—now—to help thwart [our enemies'] efforts by building and fielding, among other things, Web-enabled global maritime awareness. It will allow maritime forces to share knowledge in real time, without regard to geography, distance, and eventually even language. It will allow people and goods to move rapidly, efficiently, and safely. For those within our maritime security network, we will maintain a high degree of confidence and trust, so that mariners won't be stopped and checked at every point along the way. And that will enable all of us to focus more of our resources and our time on those outside the network to find and fix the threats and to close the gaps where we are most vulnerable.³⁰

A common architecture deployed across multiple types of assets allows for commonality of equipment and software systems and supportability of the entire naval force. In general, the envisioned Coast Guard architecture ensures an open-systems approach for design and implementation, providing a true “Web enabled” infrastructure. This must dovetail with the Navy's C4ISR effort.

30. Admiral Mike Mullen, remarks at Regional Sea Power Symposium, Venice, Italy, October 12, 2006, at www.navy.mil/navydata/people/cno/mullen/Regional_Sea_Power_Symposium_Venice.pdf (January 18, 2008).

Despite resurgence in interest and rhetoric, the national fleet is a core challenge for both the Coast Guard and the Navy as they implement the National Maritime Security Strategy and forge complementary maritime strategies. Only by developing common doctrine, creating greater synergy in the construction of core assets, and forging a common C4ISR space can the two services become more capable of working together in crafting the future global maritime security enterprise. However, these efforts alone are insufficient.

Hard Choices. The national fleet concept needs to reflect a new division of labor between the services based on how best to implement global constabulary maritime power.

The U.S. Coast Guard routinely operates with full authority in both the law enforcement and military domains and is a model for many other nations around the world. It is a respected partner for other nations in applying the rule of law to the global maritime commons, and the service leads international efforts to enhance maritime security and safety. In contrast, the U.S. Navy is a power-projection force that is increasingly being called on to perform more “soft power” missions, such as humanitarian assistance and disaster relief. The overlap between the two sea services is becoming more pronounced and less tolerable.

In an era of stagnant or dwindling procurement dollars, each service should vigorously acquire and maintain forces that support and complement the other service’s roles and missions. Navy forces should focus on vitally important missions of sea control and making “forced entry” into contested littoral areas. These are traditional warfighting missions and should be the Navy’s predominant focus. The Coast Guard should assume the lead role in constabulary maritime missions, even where Navy assets provide support.

PART IV

Creating the Global Maritime Constabulary Force

Congress and the Administration should work to make America's global maritime constabulary force a reality and a true instrument of national power. Specifically, they need to overhaul and enhance the Coast Guard, focus the U.S. Navy on warfighting, and establish a Common Maritime Security Fleet Fund.

Overhauling and Enhancing the U.S. Coast Guard. To carry out the myriad of maritime security and national defense missions detailed in this report, the roles, missions, and organization of the U.S. Coast Guard need to be drastically overhauled beyond what the service has already envisioned. Indeed, the Coast Guard should assume much of the Navy's international role in developing maritime capacity in other countries. To accomplish this, specifically:

- The service's active and reserve end strength should be doubled over the next decade.
- A Coast Guard component command should be established for each of the Pentagon's regional combatant commands, and a program should be developed that envisions Coast Guard admirals serving as combatant commanders, particularly for the U.S. Southern and Northern Commands. The U.S. Coast Guard's Deployable Operations Group should be dual-hatted as the Coast Guard component of the U.S. Special Operations Command.³¹
- Coast Guard modernization should be provided with at least \$1.5 billion per year for the next five years, with additional funds to fully develop and deploy the Deployable Operations Groups.
- Coast Guard officers should be held to the same professional military education requirements and joint experience as their Pentagon counterparts.
- The Coast Guard should establish a Foreign Area Officer program and fully participate in the Defense Department's military attaché program.

Focusing the U.S. Navy on Warfighting. When crafting the service's modernization program, Navy leaders must not forget that the Navy's core competency is warfighting. That core competency is in grave danger of atrophying under the service's current modernization plans. As much as possible, the Navy should rely on the Coast Guard for global constabulary, humanitarian, relief, port, and river missions and instead focus all of its resources on revitalizing its combat capability.

Estimates suggest that the Navy could well employ an additional 37 ships above its stated goal of 313 ships. The preponderance of these craft should be nuclear-powered, including additional nuclear-powered submarines. Likewise, additional resources should be reserved for modernizing Navy aviation, including developing unmanned combat aerial vehicles.

Finally, the Navy should fully fund and deploy its future missile defense, cruise missile, and anti-mine capabilities. All of these systems are essential to ensuring that the Navy can control the sea lines (including the air, surface, and subsurface) of communication and fight its way into hostile littoral areas.

Establishing a Common Maritime Security Fleet Fund to Bolster Modernization. A Maritime Security Fleet Fund, similar to the National Defense Sealift Fund, should be established to give the Coast Guard additional sources

31. The Deployable Operations Group is a unified command center for the U.S. Coast Guard's deployable specialized forces.

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of funding from the Defense Department that do not threaten the Navy's shipbuilding or readiness accounts. The slow pace of the Coast Guard's modernization efforts is proof that it too often loses funding battles in the Administration and Congress when competing against more politically popular homeland security programs, such as border fences, detention beds, and homeland security grants to state and local governments.

The Maritime Security Fleet Fund would be used for purchasing, altering, and converting maritime security fleet vessels and platforms as well as their operation and maintenance. It would also be used for research and development related to maritime security.

CONCLUSION

Sir Walter Raleigh's immutable wisdom—"Whosoever commands the sea commands the trade; whosoever commands the trade of the world commands the riches of the world, and consequently the world itself"—needs to be tailored to meet the challenges and threats to free nations and untrammeled world commerce in the 21st century.

To meet these new circumstances, greater emphasis needs to be placed on bolstering the Navy's core warfighting mission while expanding the role of the U.S. Coast Guard to include its leading participation in the creation of a global constabulary that is equipped to carry out a growing range of both traditional and non-traditional missions and requirements. In this way, the United States will be able to work more effectively with partner nations in the face of changing world circumstances, securing vital maritime domains for the betterment of democratic nations and husbanding scarce security resources to allow for both greater efficiencies and greater security at home and abroad.

The time to begin exercising America's global maritime constabulary power is now. There is no shortage of seas to make even safer for the United States, its friends and allies, and global commerce.